

## **REMARKS**

Claims 1-17 are pending and are rejected. Claims 1, 4-7, 12-14, and 16-17 are amended.

### **NUCLEOTIDE SEQUENCE DISCLOSURES**

The specification is amended to include the sequence ID number following the disclosed sequence on pages 4, 5, 21, and 28. The Examiner also referred to a sequence on page 16, however, Applicants are unable to locate this sequence. Applicants respectfully assert that the disclosure is in compliance with 37 CFR §1.821 through §1.825 and respectfully request withdrawal of the objection.

### **SPECIFICATION**

Applicants have amended the specification to include a description of the drawings and request withdrawal of the objection.

### **CLAIM REJECTIONS UNDER 35 U.S.C. §101**

Claims 7 and 12-14 are rejected under 35 U.S.C. §101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process.

Applicants have amended claims 7 and 12-14 to recite a method, and request withdrawal of the rejection.

### **CLAIM REJECTIONS UNDER 35 U.S.C. §112**

Claims 4-7, 12-14, 16 and 17 are rejected under 35 U.S.C. §112 ¶2 as indefinite. Claims 4-6 are amended to recite "antisense oligonucleotide". Claims 16 and 17 are amended to replace "composition" with "antisense oligonucleotide". Claims 7 and 12-14 are amended to recite method steps. Applicants respectfully assert that the claims are definite and respectfully request withdrawal of the rejections.

### **CLAIM REJECTIONS UNDER 35 U.S.C. §102**

Claims 1, 4-6, 8-11, and 15-17 are rejected under 35 U.S.C. §102(b) as anticipated by WO 99/65928. Amended claim 1 clarifies that the fragment is a portion of SEQ ID NO: 1. Support for the amendment can be found at least at p. 4 lines 18-19.

Applicants respectfully assert that the sequence disclosed in WO 99/65928 cannot anticipate claim 1 because it is not a fragment of SEQ ID NO: 1. The sequence disclosed in WO 99/65928 is AAA CCC AAG **C**. SEQ ID NO:1 is TTG CAT AAA CCC AAG **GAG**. There is a difference between C and G at position 10 of the referenced sequence. Thus, Applicants respectfully request withdrawal of the rejection of claims 1, 4-6, 8-11, and 15-17.

Claims 1, 5, 6, 8, and 15-17 are rejected under 35 U.S.C. 102(b) as anticipated by WO 01/77384 A2. Amended claim 1 clarifies that the fragment is a portion of SEQ ID NO: 1. Support for the amendment can be found at least at p. 4 lines 18-19.

Applicants respectfully assert that the sequence disclosed in WO 01/77384 cannot anticipate claim 1 because it is not a fragment of SEQ ID NO: 1. The sequence disclosed in WO 01/77384 is CAT AAA CCC **AAA**. SEQ ID NO:1 is TTG CAT AAA CCC AAG **GAG**. There is a difference between A and G at position 12 of the referenced sequence. Thus, Applicants respectfully request withdrawal of the

rejection of claims 1, 4-6, 8-11, and 15-17.

**CLAIMS REJECTED UNDER 35 U.S.C. § 103**

Claims 1-3 are rejected under 35 U.S.C. 103(a) as obvious over WO 99/65928 in view of WO 01/68122. Applicants respectfully disagree.

As described above, WO 99/65928 does not teach, suggest, or motivate the SEQ ID NO.:1. WO 01/68122 does not cure the deficiencies of WO 99/65928 because WO 01/68122 is cited for modifications of SEQ ID NO.:1, not SEQ ID. NO.1 itself. Therefore, Applicants respectfully request withdrawal of the rejection of claims 1-3.

**CONCLUSION**

Applicant respectfully asserts that the application is in complete condition for allowance. The \$525.00 fee for a three-month extension is authorized to be charged to credit card (see Electronic Fee Calculation sheet). If other fees are deemed necessary, the Office is authorized to charge them to Deposit Account No. 20-0809.

Respectfully submitted,  
THOMPSON HINE LLP

/Beverly A. Lyman/  
Beverly A. Lyman, Ph.D.  
Reg. No. 41,961

312 Walnut Street  
14th Floor  
Cincinnati OH 45202  
513 352 6596  
513 241 4771 facsimile

667293.1